Khatedars be entered on a *khate*, notice will have to be served on each one of them in cases of arrears of land revenue. As regards the suggestion that a 'maximum number of *khatedars* may be fixed, it is not possible to include some and leave out some in cases where there are a large number of these.

Mr. Shamiengar.—But if nine out of ten joint *khatedars* die and the names of the descendants of the deceased be omitted, the descendants will be no where and the only surviving joint *khatedar* will be sole master. This is unjust.

Messrs. Ananthaiya and Venkatesaiya.—May we invite attention to the rule laid down in the *Revenue Manual* that joint *khates* should not be maintained and to the fact that joint *khates* were ordered to be discontinued long ago? If this is not discontinued even though the *khate* is sold away, the *patta* may continue to show the name of the former owner of the land and the purchaser may have to waste much time and money before his claim thereto is established.

Dewan.—In cases where a joint *khatedar* dies, the name of his eldest son or other claimant will be entered in the *khate*.

Mr. Shama Iyengar.—Just as when a *khatedar* dies the name of his descendant is entered in the *patta* and this change is recognised by Government, so also the transfer of a *patta* may be recognised by means of confirmation by the Jamabandi Officer who has not much work.

Dewan.—Existing joint *pattas* may be maintained. No new ones can be allowed.

SUBJECT No. 36.

Cancellation of Revenue sales on payment of revenue arrears and a sum equal to 5 per cent of purchase money as compensation to the purchasers.

Messrs. Ananthiah, Shimoga Taluk; Shamanna, Shimoga Municipality; Subba Rao and Venkappiah, Shimoga District Board and Narasimha Jois, Nagar Sabha.

Mr. Ananthiah.—Under Order 21, Rule 89 of the Civil Procedure Code, the sale of immovable property will be set aside on payment of the amount mentioned in the sale proclamation and a sum equal to 5 per cent of the purchase money as compensation to purchaser within 30 days of sale. But similar provision is not made in the Revenue Law. Owing to the absence of such a provision, great fraud is being practised in the case of illiterate persons. The Law may therefore be suitably modified.

Revenue Commissioner.—The Revenue sales stand on quite a different footing from Civil Court sales. With the issue of the declaration of forfeiture, the occupant forfeits all rights in the land. If sales are set aside in every case in which the arrears paid are

within 30 days of the sale, people will have no confidence at all in Revenue sales, and it will be difficult to secure reasonable bids at these sales.

Provision is made in the Revenue Code for the cancellation of sales at the discretion of the Deputy Commissioner on payment of reasonable compensation to the auction purchaser, even in the absence of any material irregularity if the occupant is likely to suffer substantial injury by the confirmation of the sale. This is quite sufficient to meet exceptional cases of hardship.

Messrs. Vemareddi and Sitaramaiya.—In spite of sale proclamations, the original owners are not anxious about their lands in view of the fact that they can appeal and get back the right of tenancy. But the purchaser of these lands will have to be anxiously awaiting confirmation until which time he will not be sure of possession. Usually, it takes a long time before sales are either confirmed or cancelled and in the event of the latter being done, the purchaser gets no profit for the money he has paid which is often borrowed. The ryots therefore cannot await the use of the discretionary powers given to officers and some rate of interest may be fixed. Even legislation does not appear too much in the matter. Further, by taking such a step, Government are not liable to any kind of loss or inconvenience. This subject is being pressed ever since the Revenue Code came into existence. Difficulties are always being experienced on account of the absence of such a provision which would indeed be a wholesome one.

Messrs. Venkatesaiya, Paramasivaiya and Sitaramaiya.—This discretionary power vested in officers is not always used properly and even if used, it will be to different extents in different cases. A more liberal use of this discretion is quite essential. Even then the provision we are asking for, is necessary in ordinary cases of arrears of land revenue.

First Member of Council.—Coercive measures are used very sparingly, and every opportunity is afforded to the ryots to pay their *kandayam* and a month's time is fixed for such payment. Once coercive measures are taken, the party must take the consequences if this latter concession is not availed of.